

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



October 7, 1991

ALL COUNTY LETTER NO. 91-107

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: IMPLEMENTATION OF THE LANGSTON COURT ORDER

REFERENCE: ACL NO. 91-58, 91-82, 91-86, 91-94, MPP 44-211.514

This letter is to instruct Counties on the processing of requests received for homeless assistance in accordance with the final order in the Langston v. Carlson Court case. On August 14, 1991, the Superior Court for the County of Sacramento issued a Temporary Restraining Order which required the Counties, effective August 15, 1991, to hold any request for homeless assistance benefits received from an assistance unit which had also received homeless assistance benefits more than 12 months previously but less than 24 months previously.

On September 11, 1991, the Court ruled that all AFDC recipients be informed that the eligibility conditions for homeless assistance benefits have changed (i.e., the 12 month rule changed to 24 months). Counties were instructed in ACL 91-94 to transmit a mass informing notice no later than October 1, 1991 unless it was impossible to do so.

COURT ORDER

The Court Order in Langston pertains to all cases held from the effective date (August 15, 1991) of the Temporary Restraining Order, and any case which self-identifies as having been denied homeless assistance between August 1 and August 15, solely because of the 24 month rule. A request for homeless benefits must be received by the fifth working day after the mass informing notice was transmitted to qualify for review under the Langston Court Order. The Court specified in its Order that if an assistance unit had relied on a Notice of Action or a Statement of Facts (e.g., CA 42) that stated it would again be eligible after a 12 month period, the 24 month rule will not be applied to that assistance unit.

The Counties are required by the Langston Order to determine whether potential class members detrimentally relied on the prior 12 month notice. "Detrimental reliance" for the purposes of this Court Order means that the client voluntarily became homeless with the clear expectation that homeless assistance would be available after a 12 month period.

REQUEST PROCESSING

Counties will immediately contact assistance units which made requests retained in compliance with the Langston Order. Approvals or denials to assistance units will be made within 24 hours of determination of eligibility. The standard notice of action should be used to transmit approvals. Use the attached camera-ready notice of action using the NA Back 6 to process denials.

Those requests from assistance units which become homeless due to eviction will have any eligibility evaluated under the 24 month rule because the assistance unit became homeless involuntarily and did not rely on the prior 12 month notice. Assistance units which were evicted, and which are not eligible under the 24 month rule must be sent a denial notice informing the assistance unit about the reason for denial and its right to a hearing.

For all other cases Counties should ask the following questions to determine if detrimental reliance exists:

- (1) Did you become homeless voluntarily?
- (2) Did you think you could get homeless assistance after 12 months?

If the assistance unit responds yes to both questions, homeless assistance benefits will be provided under the 12 month rule if otherwise eligible. Only those expenses which meet the requirements for reimbursement (e.g., a receipt from a commercial establishment) will be reimbursed.

Those who are eligible for homeless assistance under the 12 month rule because of the Langston Court Order will have eligibility provided in the following ways:

1. Those assistance units which continue to remain homeless will be eligible for current homeless assistance benefits as appropriate. The County will evaluate the assistance unit's current situation and provide temporary shelter homeless assistance benefits for up to 16 consecutive days anywhere from August 1, 1991 forward. The prior period and any ongoing eligibility may be combined as long as the period is consecutive and does not exceed 16 days. The period cannot precede the date of the request for benefits.
2. Those assistance units which are no longer homeless will be offered reimbursement for eligible expenses for a prior period covered by the Langston Court order. The period cannot precede the date of the request for benefits.

If you have any questions about this ACL or the Langston Court case please call Mr. Vincent Toolan at (916) 654-1808.


ROBERT A. HOREL
Deputy Director

Attachment

cc: CWDA

NOTICE OF ACTION

COUNTY OF

STATE OF CALIFORNIA
HEALTH AND WELFARE AGENCY
DEPARTMENT OF SOCIAL SERVICES

Notice Date : _____
Case Name : _____
Number : _____
Worker Name : _____
Number : _____
Telephone : _____
Address : _____

(ADDRESSEE)

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Questions? Ask your Worker.

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State Hearing: If you think this action is wrong, you can ask for a hearing. The back of this page tells how. Your benefits may not be changed if you ask for a hearing before this action takes place.

The County has denied your request for homeless aid for:

- ☐ Temporary Shelter
☐ Permanent Housing

Dated: _____

Here's why:

You did not decide to leave your last home as a result of relying on what we told you before about being eligible for homeless aid after 12 months.

- ☐ You will get another notice about your Medi-Cal.

Rules: These rules apply. You may review them at your welfare office: Langston v. Carlson Court Order